

STROOCK

Via ECF

April 14, 2021

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Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: Renewal Rehab, LLC v. American Express Travel Related Services Company, Inc.,
Case No. 1:21-cv-00018-PGG

Dear Judge Gardephe:

We represent defendant American Express Travel Related Services Company, Inc. (“American Express”) in the above-referenced action brought by plaintiff Renewal Rehab, LLC (“Renewal”). Your Honor has scheduled an initial conference for May 6, 2021, at 10:00 a.m. In accordance with Your Honor’s Individual Rules of Practice, the parties jointly submit this letter to advise the Court of American Express’s intention to move to compel arbitration and stay this matter, and to seek the Court’s guidance on how best to proceed.

By way of brief background, Renewal instituted this action by filing a complaint on January 4, 2021, and summons issued on January 11, 2021. Since that time, the parties have been discussing issues surrounding service of process and American Express’s view that all claims in the complaint are subject to a binding arbitration agreement (included within the Agreement for American Express Card Acceptance, which is attached as Exhibit A to the complaint). Renewal disagrees with American Express and maintains that this matter is appropriate for litigation in the Southern District of New York. Renewal has agreed to extend American Express’s response time to April 21, 2021.

Accordingly, the parties respectfully request guidance as to whether the Court intends to treat the May 6 conference as a pre-motion conference in connection with American Express’s motion to compel arbitration, or whether American Express should serve its motion on Renewal prior to the May 6 conference.

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We thank the Court for its kind attention.

Respectfully submitted,

/s/ Daniel N. Bertaccini

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cc: All Counsel of Record (via ECF)